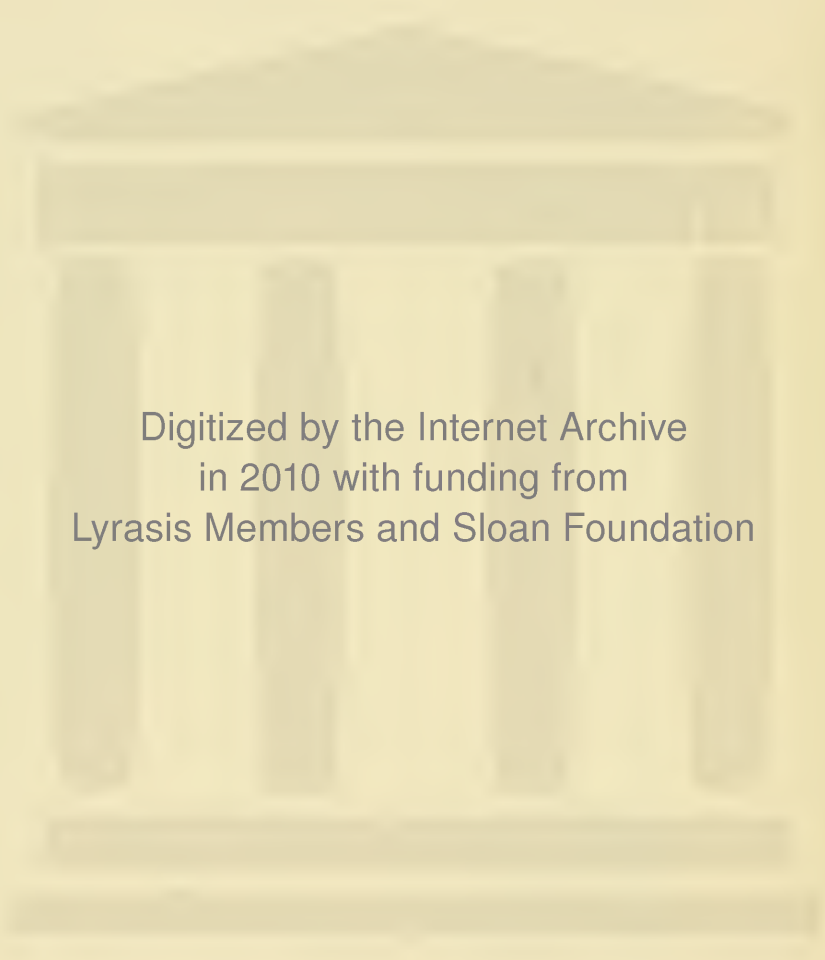


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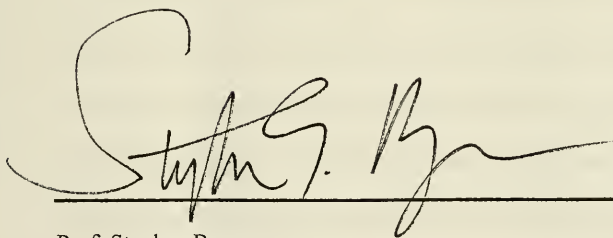
The Competition and Fragmentation of Social Movements:
The Relationship of the Women's Movement to the Civil Rights Movement
and the Gay Rights Movement

A Senior Honors Thesis in the Department of Government and International Affairs
Sweet Briar College

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Approved with Honors

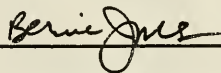
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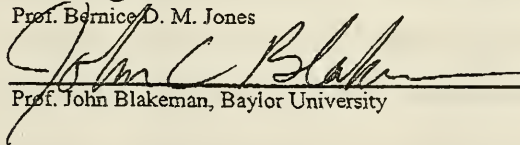
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Chapter 1: Introduction

In the history of this country or any country, social movements played a key role. Social movements are often the catalysts for change, the voice of an ignored or mistreated minority. Social movements are concerned with changing the view of the majority and forcing their ideology to be adopted. It is impossible to boil down one or a few goals of a social movement because their goal is to change their way of life by changing how people think. Therefore, there are often many pivotal events that help a social movement achieve this change in ideology.

An effective social movement changes ideology in order to change governmentally enforced laws and social norms the supporters of the movement object to. The success of a social movement and its ability to affect change is dependent on a group of individuals who are willing to try to change ideology without the guarantee of receiving any of the benefits from this change. In every movement there must be individuals willing to do this. While these individuals are integral to the beginning of a social movement, there are other factors necessary for its long-term viability.

Most human beings need some sort of incentive to act, especially in something like a social movement where their personal safety and freedom may be at risk. Usually social movements form due to an issue that affects people personally. This personal effect is often so compelling that it provides the necessary motivation for many people to get involved. The problem is keeping people involved; many social movements lose momentum and part of this loss follows because the issues are decreasingly compelling.

Social movements also have difficulty remaining strong because of splinter groups. The longer a social movement is in existence, the more time people have to find problems with it. After some progress is made in changing the ideology of the majority and some change is seen in the laws or norms, people become distracted. Instead of staying united they begin to splinter off into smaller groups. These smaller groups each have their own idea of what is most important for the movement, usually based on what is most important to them. Groups also splinter off because they do not feel that their interests are being adequately represented by the agenda. This loss of unification and investment in the movement can lead to the stagnation or death of a movement.

All of these phenomena can be seen from examining an individual movement, but even more can be gained from comparing and contrasting movements. Often social movements are interconnected and analyzing the relationship between movements can clarify many questions about individual movements. Some movements may be modeled on other movements. Many concurrent social movements share supporters with other social movements. For these reasons, much important insight can be gained from the analysis of the relationships between social movements.

One of the objectives of this thesis is to examine the relationship of the Women's Movement to the Civil Rights Movement and the Gay Rights Movement. The origins of the Women's Movement are closely tied to the Civil Rights Movement. The Women's Movement has been linked to the Civil Rights Movement throughout its existence. The Women's Movement is also closely tied to the Gay Rights Movement. These movements have been concerned with many common issues, for example the Equal Rights Amendment. Also, these three movements share many supporters. The purpose of

analyzing the relationship between these three movements is to help understand the current state of the Women's Movement.

Connected to the issue of shared support is the existence of splinter groups in the Women's Movement. There are many groups that have splintered off from the mainstream Women's Movement because they are dissatisfied with the agenda or direction of the movement. Many of these potential supporters of the Women's Movement feel closer ties to the Civil Rights Movement or the Gay Rights Movement. These splinter groups are contributing to the perceived stagnation of the mainstream Women's Movement.

The Women's Movement began as a strong social movement. It had supporters who were involved in the movement because they felt personally invested. They were so enraged by the status of women that they volunteered time, energy and money to battle the injustice. There were male and female leaders in the "First Wave" of the Women's Movement, that were willing to invest their time and energy, with out the promise of seeing the fruits of their labor. This early Women's Movement was a perfect example of a successful social movement. This movement forced the majority to change their ideology; the realization of this was the achievement of suffrage for women. The Women's Movement remained strong into the Second Wave. Women were fighting for the ERA. There were still strong supporters who were willing to invest their time and energy for what they felt was a worthy cause.

The Women's Movement of the First and Second Waves were not difficult to define. It was clear who supported the agenda of the Women's Movement at these points in time. There was little question of what the agenda of the Women's Movement was. It

was a strong movement, with clearly identifiable goals and a strong, broad base of support.

Today, it is much more difficult to identify one, clear agenda of the Women's Movement. It is equally difficult to pick out supporters of the movement. The Women's Movement no longer has clear goals or that strong support-base. It is odd that a movement that was previously strong and effective, has little focused support or strong direction. This is a difficult phenomenon to understand and it is even more difficult to explain. Why does the Women's Movement appear to be stagnant today? Why can we not identify who the supporters of the movement are? Has the movement lost support, if so why? Why can we not identify an agenda of the Women's Movement? Why has the movement lost direction and momentum?

Some of the answers to these questions can be found by analyzing the present-day Women's Movement. We can determine who supports the movement and what their concerns are. In doing so we find that there are many groups that have splintered off from the mainstream Women's Movement. These splinter groups are preventing cohesive support of the movement and one solid agenda. The mainstream Women's Movement is excluding many different types of women and not placing enough emphasis on many important women's issues. It is not up-to-date or in touch with the present population of women.

However, the stagnation of the Women's Movement does not seem to be solely based on these internal issues. The relationship of the Women's Movement to the Civil Rights Movement and the Gay Rights Movement plays an important role in this stagnation. The Women's Movement has historical ties to both of these movements.

Understanding this shared history and these relationships provides answers to many of the questions that surround the current day Women's Movement. Understanding the relationships between these movements also explains some of the reason for the multitude of splinter groups.

Understanding the concerns of these splinter groups and the relationship of the Women's Movement to these other movements will help us understand the current stagnation of the Women's Movement. It is also important to consider how the general public feels about and acts toward these movements. Also, how the institutions of this country treat these movements is a pivotal point. This analysis will help to identify an all-inclusive agenda for the Women's Movement. The existence and adoption of a new agenda is necessary for the movement to regain direction and momentum, which is the primary concern. Finally, the current status of the Women's Movement may be identified and the future state of the Women's Movement may be predicted.

Chapter 2: Civil Rights and Women's Rights

The Women's Movement as we know it today had two "waves." The First Wave had its foundation in the Anti-Slavery Movement. The importance of religious organizations in the Anti-Slavery Movement is the key to its connection to the beginning of the Women's Movement. Some religious groups, specifically the Quakers, were prominent participants in the Anti-Slavery Movement. The Quakers are important not just as a religious group that fought against slavery, but as a group that allowed women to join the fight. The Quakers allowed women to be ministers. This is significant even though they were mostly for other women.¹ This position of minister gave women a leadership role that was rare in the mid-1800's.

Two important women began their careers in leadership with the Quakers. Sarah and Angelina Grimke laid groundwork for what would later become the Women's Movement. These women first experienced leadership as Quaker ministers.² The Grimke sisters were the daughters of a rich, southern slave owner and their family was respected for their political and social status. The Grimke sisters were surrounded by people who were accustomed to the lifestyle that slavery afforded them, but the girls did not appreciate their slaves or take them for granted, they pitied them. They abhorred the poor treatment the slaves received, even at the hands of their own parents.³

Slavery was not the only institution the sisters rejected in their lives. Both sisters, though thirteen years apart, had major objections to their family's Episcopalianism. Sarah Grimke learned about the Quaker religion while tending to her dying father in

¹ Kathryn Kish Sklar. Women's Rights Emerges within the Antislavery Movement. Boston: Bedford/St. Martin's, 2000. 7.

² Ellen Carol DuBois. Feminism and Suffrage. Ithaca: Cornell Press, 1980. 34

³ Kish-Sklar, 2

Pennsylvania. She became so absorbed in this religion that she returned to Philadelphia, learned more, and eventually converted. Angelina was similarly immersed in Presbyterianism, though Sarah eventually converted her to Quakerism. Both women were dissatisfied with their comfortable but meaningless lives and in 1819 they became Quaker ministers in hopes of finding a sense of purpose.

The two women handled their new positions much differently. Sarah became very involved in her local congregation and even went to participate in other groups. Angelina was more passive. She left the congregation two times, once to visit Catharine Beecher's school and once to care for her mother. While taking care of her mother she came into contact once again with slavery, and was even more upset and disgusted than she was as a child. Upon returning to her sister she became even more passive externally, but was experiencing very aggressive emotions internally. She was ideologically veering away from the Orthodox Quakers who tried to remain neutral and toward the Hicksite Quakers who wished to affect change.⁴ It is important to understand the significant difference between Orthodox Quakers and Hicksite Quakers. Orthodox Quakers placed more importance on their creed than the importance of the individual. They strove to remain neutral on all topics. In contrast, the Hicksite Quakers valued the individual above all else and took extreme positions in controversy. It is important that Angelina made this move toward the more radical Hicksite Quakers, where she developed her inclination toward activism.

By 1834, Angelina Grimke found her niche with the Garrisonians, who adopted the element of extremism from the Hicksite Quakers. This group was founded by William Lloyd Garrison, a journalist and an abolitionist. Garrison founded his Anti-Slavery group

⁴ Kish-Sklar, 6

on the ideas of equality that already existed in religion. He was greatly influenced by John Humphrey Noyes and his notions of perfectionism. From this influence stemmed the importance of the individual above all else, this was at the core of the Garrisonian Movement.⁵ This emphasis on individuality and importance of equality attracted many women.

Women were also attracted to this group because of their anticlericalism. Clerics in religion had suppressed women for many years. The Garrisons were against the authority of clerics and fought their power in any form. Therefore, the Garrisonians were also against the suppression of women and allowed women to be active and to be heard. This tension between clerical authority and the power of women remained a problem and this tension was still present even as the Women's Movement became an entity in itself.⁶ The Garrisonians are significant for two reasons. First, they allowed and encouraged women to be active participants in political causes. Second, was the significance of how their argument against slavery translated to women. The Garrisonian anti-slavery argument was based on the belief that human beings were morally equal regardless of race. Many women used this argument to analyze gender. If all human beings were morally equal regardless of race, then why should gender be a reason for discrimination and inequality?⁷ These thoughts were the early buds of what grew to become the First Wave of the Women's Movement.

The power given to women by the Garrisonians is exhibited by the relationship of Garrison with a significant early leader of the Women's Movement. Garrison collaborated with Lucretia Mott, to form the American Anti-Slavery Society (AASS).

⁵ DuBois, 33

⁶ DuBois, 35

⁷ DuBois, 37

Lucretia Mott was a Hicksite Quaker who was a strong religious leader, as well as a prominent female abolitionist.⁸ She was a Quaker minister and helped form two anti-slavery groups. She went on to form the Philadelphia Female Anti-Slavery Society. This group and others like it gave women new opportunities to get involved in causes they cared about and allowed them to emerge as leaders. This group, under the leadership of Garrison and Mott, provided a starting point for some important Anti-Slavery leaders. Maria Stewart is one example of these leaders. She was a black woman and the first woman to speak in public to a mixed audience in the early 1830s. “Maria Stewart challenged African-American women to reject negative images of Black womanhood so prominent in her times, pointing out that racial and sexual oppression were the fundamental causes of Black women’s poverty.”⁹ She was an incredible and powerful woman in her own right. She inspired many Black women to follow in her path fighting their particular oppression.

Another important leader inspired by the Grimke sisters was Abby Kelley. Kelley managed to be very active as a speaker and an abolitionist, although she was slandered and harassed. Some people disagreed with women having active role in religion and Kelley bothered these people a great deal. A minister once called her a “vile character” and a “servant of Satan.”¹⁰ Despite attacks such as these Kelley kept fighting for the cause she so firmly believed in. Dedicated women like these were partly responsible for the success of the Anti-Slavery Movement and the founding and the success of the Women’s Movement.

⁸ Kish-Sklar, 49

⁹ Patricia Hill Collins, Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment. Boston: Unwin Hyman, 1990. 3

¹⁰ Blanche Glassman Hersh. The Slavery of Sex: Feminist-Abolitionists in America. Urbana: University of Illinois Press, 1978. 43

As an important religious movement, the Second Great Awakening is significant. The Second Great awakening occurred during the 1830's and 1840's. It was mainly a middle-class movement that morally empowered the average person and emphasized the division of church and state. This movement decreased the power of the clergy while increasing the power of the masses. This is where the doctrine of perfectionism gained widespread popularity.¹¹ This movement is what the Garrisonian movement was based on and the influence of this is pervasive in the Anti-Slavery Movement and the early beginning of the Women's Movement. The focus on the importance of the individual added fuel to the Anti-Slavery Movement; abolitionists now had a religious basis to argue that slavery was depriving individuals of their will, this made slavery more condemnable.

Due to this important aspect Angelina Grimke became drawn to the Garrisonian Movement and began attending speeches and writing. Angelina was attempting to engage Southern women in the fight against slavery. She wrote her *Appeal to the Christian Women of the South* and became active in the circulation of petitions. Her appeal was incredibly important because she was addressing a conservative group. In her appeal Angelina told these women to speak about slavery, read about slavery, pray about slavery and act about their feelings on slavery. She told them to sign petitions and speak to their husbands, brothers, and fathers. She tried to encourage these women to act. One reason this is so significant is that she was one of them, as a Southern Christian woman, and this made her more persuasive. She ends her appeal by saying: "I have appealed to your sympathies as women, to your sense of duty as Christian women. . . Count me not your 'enemy because I have told you the truth,' but believe me in unfeigned affection." Southern Christian Women who were already concerned about slavery may have been

¹¹ Kish-Sklar, 12

inspired to action by Angelina's appeal. Women who had never considered this matter may have contemplated it after this appeal by one of their own. Angelina's writings were important but her speaking was just as important. After sometime Sarah joined her sister in her campaign and the two embarked on a speaking tour in 1836.¹²

At this time women's Anti-Slavery groups were becoming more and more prominent. The Grimke sisters were challenging the idea that women should not speak in public and women were organizing. In 1837, 1838, and 1839, women held anti-slavery conventions. With all these progressive female leaders working together the idea of women's right was bound to surface. These women felt it was their duty to fight against slavery, but society was restricting them from doing their duty. Expectations of society, like the disapproval of women speaking in public, were unacceptable. The Grimke sisters ascribed to this idea, proved on their speaking tours they could speak as well as men and strengthened the idea that there needed to be a fight for women's rights in addition to the fight to abolish slavery.¹³

This idea was not well received by men in the anti-slavery movement. Some argued that this would take the focus away from the fight against slavery. "Abolitionists' increased political power made them more reluctant to support feminist demands. . ."¹⁴ It was obvious however, that these men were uncomfortable with or did not support women's rights. In contrast, women's groups embraced the idea of women's rights. The Grimke sisters helped to popularize this idea arguing for these rights on a religious and moral basis. They returned to the idea of individual will that had been applied to slaves.

¹² Kish-Sklar, 16

¹³ Kish-Sklar, 28

¹⁴ DuBois, 55

The Grimke sisters did not argue that men and women were the same, but that they should have equal opportunities.¹⁵

The controversy over women's rights eventually led to splits in the Anti-Slavery Movement. A more conservative group that wanted to focus strictly on slavery broke off and formed the American and Foreign Anti-Slavery Society (A&FASS). The AASS still existed but its supporters were confused and divided over issues while still united in their goal to abolish slavery. It seemed that the goal of the Anti-Slavery groups was only to abolish slavery and if women wanted to fight for their rights they were going to have to find another place, way, and group to do it.¹⁶

There were women who felt they needed their own movement to pursue the fight for Women's Rights. "They believed that women's grievances were part of a distinct system of sexual inequality, which had its own roots and required its own solutions."¹⁷ Lucretia Mott and Elizabeth Cady Stanton were two of the women devoted to the fight for Women's Rights. They had shared the frustration of not being invited to anti-slavery conventions or not being allowed to speak at these conventions. Their belief in the need for an increase in the power of women led to a raised awareness of the need for women's rights. Because of their efforts the Women's Rights Convention was held in Seneca Falls in 1848.¹⁸ This was the first of many of these conventions that furthered the fight for Women's Rights. At this convention many reforms were purposed including the Declaration of Sentiments.

¹⁵ Kish-Sklar, 36

¹⁶ Kish-Sklar, 42

¹⁷ DuBois, 174

¹⁸ Kish-Sklar, 48

The Declaration of Sentiments was written at Seneca Falls, July 19-20, 1848. This document attempted to correct the inequality represented in the Declaration of Independence. It stated, "We hold these truths to be self-evident: that all men and women are created equal; they are endowed by their Creator. . ."¹⁹ It included women in the original text of the Declaration of Independence. Although the Declaration of Sentiments uses similar language and format as the Declaration of Independence, it had a different tone. Women were using this document to fight against the oppression of men and make it clear to society that the inequality of women was a problem.

The document stated that it was time for women to be considered equal to men. "When, in the course of human events, it becomes necessary for one portion of the family of man to assume among the people of the earth a position different from that which they have hitherto occupied, but one to which the laws of nature and of nature's God entitle them. . ."²⁰ This showed that women believed it was time for them to take their rightful place as men's equal and they implied this was a natural evolution. Once again the idea of God and the religious backing for their argument played a key role in the early Women's Movement. The document also pointed out the ways in which women were oppressed. They mentioned that women did not have the right to vote or own property. Inequality in work and religion were also mentioned in the document. The women listed their grievances and clearly stated what they were fighting against and what they were working toward.

The document argued that the institution of marriage negated all woman's citizenship rights. Perhaps most importantly the attitudes of society toward women were

¹⁹ Mary Becker and Cynthia Grant Bowman, Morrison Torrey, eds. Feminist Jurisprudence: Taking Women Seriously. St. Paul: West Group, 1994. 3

²⁰ Becker, 3

attacked. “ He has created a false public sentiment by giving to the world a different code of morals for men and women, by which moral delinquencies which exclude women from society, are not only tolerated, but deemed of little account in man.”²¹ This statement attacked males’ attitudes toward women in every aspect of life. It also made clear that no matter what the personal cost to these women these attitudes and injustices would no longer be tolerated. “ We anticipate no small amount of misconception, misrepresentation, and ridicule; but we shall use every instrumentality within our power to effect our object.”²² This was an amazingly powerful stance for women of this period to take. Not only were they active in writing this document and stating their concerns, they were prepared to stand behind their assertions.

Included in the resolutions made in this document are the assertions that women should be treated as equals to men, with the same rights and expectations on both. This document inspired women to take action. The spirit of revolution it spurred in women led to such things as the Married Women’s Property Act and foreshadowed the Suffrage Movement. From 1848-1920 the Women’s Movement was strong and embodied the ideals stated in the Declaration of Sentiments.

The Declaration of Sentiments and the convention at Seneca Falls were the beginning of the Women’s Movement independence from the Anti-Slavery Movement. This document and convention were preludes to the Suffrage Movement and the passing of the 19th Amendment in 1920. Long before the Women’s Movement could achieve the goal of suffrage it endured splits within itself, reminiscent of the splits in the Anti-Slavery Movement. After the Seneca Falls Convention up until the beginning of the Civil

²¹ Becker, 4

²² Becker, 5

War racial tensions were increasing. Reflecting society at large the Women's Movement was also at odds over racial concerns. Controversy over race became heated within the newly formed Women's Movement. Some women were still very concerned with the anti-slavery cause, while other women were concerned with focusing attention on the new fight for women's rights. Often when women active in the movement said "women" they meant white women. The place of black women in the movement and acknowledgement of their particular needs was already an issue in the Women's Movement.

This controversy and the fight for the rights of women were on a back burner due to the Civil War. From 1861 – 1865 everyone's attention was focused on the Civil War. Women left their battle-stations in the Women's Movement to help with the war effort. The war ended with the victory the anti-slavery fighters had been working toward for so long. In 1862, Abraham Lincoln issued the Emancipation Proclamation that freed all slaves on January 1, 1863. After the end of the war and the end of slavery, activism resumed. Women like Elizabeth Cady Stanton and Susan B. Anthony fought for the end of slavery to be ensured with a Constitutional Amendment. Due to the effort of them and many others, slavery was officially abolished in the Constitution with the passing of the 13th Amendment in 1865.²³ The 13th Amendment stated that "neither slavery nor involuntary servitude. . .shall exist within the United states." This was an incredible victory for all those fighting against slavery.

This was not only the end of the fight against slavery, but it marked the beginning of the fight for increased status of the new citizens. The abolitionists had the momentum from the passage of the 13th Amendment to help them with their fight to enfranchise

²³ DuBois, 52.

black men. It would seem logical for the abolitionists to work with the Women's Movement to gain suffrage for both blacks and women. However, the majority of abolitionists wanted nothing to do with the Women's Movement. The abolitionists were focused only on the enfranchisement of black men, leaving white and black women to their own devices. The Women's Movement equated women's suffrage with black suffrage, but this was an ineffective strategy. Strangely enough, though many women's suffragists equated the two types of suffrage, they were deaf and blind to the concerns of black women. Black women, the most disenfranchised of all groups, had no voice with either abolitionists or women's suffragists.²⁴ The fight for black suffrage and women's suffrage became more independent and isolated movements.

Beginning in 1865, the fight for the fourteenth Amendment began. This amendment meant to enfranchise black men excluded women from its inception. This increased the tension between abolitionists and women's suffragists. Part of the strategy for achieving the passage of the fourteenth Amendment was excluding women. Including women would have made the amendment even more difficult to pass and this was not a cost that abolitionists were willing to incur. The fourteenth Amendment was passed in 1868, excluding women and protecting blacks. If this was not a hard enough blow to the Women's Movement, the fifteenth Amendment really infuriated women's suffragists. The fifteenth Amendment was passed in 1870 and it added black suffrage to the Constitution. It stated "The right of citizens of the United States to vote shall not be denied or abridged by the United States or by any State on account of race, color, or previous condition of servitude."²⁵ So, black men were given the right to vote before

²⁴ DuBois, 55.

²⁵ U.S. Constitution

white women, or any women. White women were enraged that people who had been slaves only 15 years earlier had achieved the right to vote before they did. It took many women, a great deal of effort and patience, a lot more fighting and fifty more years to achieve the vote.

After suffrage was achieved in 1920, the who fought so hard for the vote had time to turn their attention to something else. Black women in the YWCA pushed these groups to rally against lynching and racism. These women began to fight against these injustices as members of the Commission on Interracial Cooperation (CIC). This fight against racism was a bit hypocritical because it kept the black women it was fighting for at arms length. This movement did not seem to be about equality and empathy, but superiority and sympathy.²⁶ The fight for the Equal Rights Amendment also began in the 1920's. Women's suffrage was seen as a jumping off point for gaining increased rights for women. It was clear more work needed to be done to achieve the freedom to which women were entitled. Groups such as the National Women's Party and the League of Women Voters began to see the need for an Equal Rights Amendment. Another conference was held in Seneca Falls in 1923 to celebrate the 75th anniversary of the first Seneca Falls convention and to raise publicity and support of the ERA. Leaders like Florence Kelley and Alice Paul began crafting possible language for this amendment. One example of this language: " Men and women shall have equal Rights throughout the United States and every place subject to its jurisdiction."²⁷ This was the language of the amendment proposed to Congress in 1923 and not passed.

²⁶ Sara Evans. Personal Politics. New York: Alfred A. Knopf, 1979. 28

²⁷ Marianne Hirsch and Evelyn Fox Keller. eds. Conflicts in Feminism. New York: Routledge, 1990.48.

In addition to the fight for an Equal Rights Amendment many were concerned with equal rights in the work place. The Supreme Court served as a barometer for women's fight for equality in the work place. In *Muller v. Oregon* the Supreme Court effectively set-back the chance for equality for women in the work place. Oregon had placed a limit on the hours women could work, but not the hours men could work, and the Court upheld this law. In *Adkins v. Children's Hospital* the Court acknowledged that women had made great strides but they made no mention of their equality or inequality to men.²⁸ These cases showed that legally and politically women still had a long way to go in the fight for equality in the work place. Women also had a long battle to fight legally and with the Court to get the rights they deserved.

The fight for equality in the work place and the struggle for the Equal Rights Amendment continued through the 1930s and 1940s. These were the two major concerns of all women's groups either for or against them. During this time the debate over the Equal Rights Amendment changed. Many women were for the ERA because they believed women were equal to men. However, some women were against the ERA because they were in favor of special treatment for women, because they believed women were different from men and needed protection. This debate within the women's movement over the ERA and the fight for and against it occupied most of the energy of women's groups through this time period. The rest of the time and energy was spent continuing the fight for equality in the work place. Though some women were appeased in 1938 with the passage of the Fair Labor Standards Act, which equalized men and

²⁸ Sandra F. VanBurkleo *"Belonging to the World": Women's Rights and American Constitutional Culture*. New York: Oxford UP, 2001. 279

women by granting minimum wages to men as well as women.²⁹ This satisfied some women and the fight over the ERA became an even larger focus for women's groups.

At this point at the end of the 1940's and beginning of the 1950's the fight against segregation was swinging into high gear and the Women's Movement moved to the background. Many women got involved in the fight for Civil Rights by participating in protests and marches and in other areas. In 1954, the Supreme Court decided the case of *Brown v. Board of Education*. The Court stated that: "in the field of public education the doctrine of 'separate but equal' has no place."³⁰ There were many rallies, sit-ins, protests and violence. Women joined in to fight for the equality of blacks and themselves. This culminated in the passage of the Civil Rights Act of 1964. Title VII of this act states:

It shall be an unlawful employment practice for an employer -to fail or refuse to hire or to discharge any individual, or otherwise to discriminate against any individual with respect to his compensation, terms, conditions, or privileges of employment, because of such individual's race, color, religion, sex, or national origin.

This seemed like a victory for both blacks and women in their fight for equality.

However, the Equal Employment Opportunity Commission formed and began to ignore women's complaints about the enforcement of Title VII. The population of women began to grow increasingly discontent.

This wave of discontent marked the beginning of the Second Wave of feminism. In October of 1966 the National Organization for Women (NOW) was founded and put the Second Wave into over-drive. By this time many women were out in the workforce experiencing discrimination and inequality. From its creation NOW pressured the EEOC to enforce Title VII. The members of NOW saw the fruits of their labor in 1967 when

²⁹ Flora Davis. *Moving the Mountain*. New York: Simon and Schuster, 1991.32

³⁰ *Brown v. Board of Education of Topeka I*. Supreme Court of the United States, 1954. 347 U.S. 483

Executive Order 11375 was issued. This order prohibited federal contractors and subcontractors from discriminating on the basis of sex.³¹ NOW began as a grassroots organization, relying heavily on the political action of their local chapters. The focus of local and federal action was on employment. One of the first battles NOW fought was against the EEOC because it was not protecting women from sex discrimination in advertising. This culminated in a Supreme Court decision that favored NOW and agreed women should be protected from discriminatory advertising. The strategy of NOW was to take and win as many sex discrimination cases as possible.³² They were successful in the courtroom and not only made headway fighting discrimination but also in gaining support for their organization and their cause. NOW's one year anniversary in 1967, brought about a radical agenda with strong positions on the ERA and abortion. This was the birth of a more extreme type of feminism that grew stronger in the 1970s. This questioning and changing of the definition of feminism also brought about the changing of the definition of power. Many women began to challenge the fact that the NOW and the Women's Movement as a whole was about straight white women. Black women attacked this domination and called for more equality within the movement.³³

This tension within NOW and the Women's Movement was reflected by the tension, within and outside of the Women's Movement, over the ERA. In 1970, a renewed desire for an Equal Rights Amendment began to take hold of the Women's Movement, the Civil Rights Movement and others. In May 1970, a subcommittee of the House began to consider the amendment and they approved of the amendment. Then, due to NOW's strategy and the help of Congresswoman Martha Griffiths, a discharge petition

³¹ Davis, 57

³² Davis, 65

³³ Davis, 105

was passed. This petition allowed the House Judiciary Committee to be bypassed. This was a major achievement because this Committee had been tying up the amendment for years. The petition passed in July of 1970 and the House voted on the amendment in August.³⁴ The Equal Rights Amendment (ERA) was proposed to level the playing field by taking out gender as a handicap. The text of the ERA is as follows:

Section 1. Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex.

Section 2. The Congress shall have the power to enforce, by appropriate legislation, the provisions of this article.

Section 3. This amendment shall take effect two years after the date of ratification.³⁵

The ERA passed through the House and went on to the Senate. The process slowed down considerably in the Senate where many amendments were added and changes were argued. The Senate recessed without approving the ERA. It was proposed again in 1971 and once again it passed through the House. Finally on March 22, 1972, the U.S. Senate passed the ERA and the proposed 27th Amendment was sent to the states for ratification. Congress placed a seven-year deadline on the ratification process. This time limit was not placed in the words of the ERA itself, but in the proposing clause.³⁶ The ERA got 22 of the necessary 38 state ratifications in the first year. Due to opposition it only got eight ratifications in 1973, three in 1974, one in 1975, and none in 1976. As the 1979 deadline approached, some pro-ERA groups, like the League of Women Voters, wanted to retain the eleventh-hour pressure as a political strategy. But many ERA advocates appealed to Congress for an indefinite extension of the time limit, and in July 1978, NOW coordinated a successful march of 100,000 supporters in Washington, DC.

³⁴ Davis, 126

³⁵ Davis, 134

³⁶ Davis, 134

Congress granted an extension until June 30, 1982. The ERA did not succeed in getting three more state ratifications before the deadline. The Equal Rights Amendment was reintroduced in Congress on July 14, 1982 and has been before every session of Congress since. “The ERA became a symbol for feminists of all the changes they wanted made – including many that were beyond the reach of a constitutional amendment.”³⁷ So to this day the Women’s Movement has been unable to achieve one of its major goals.

This is perhaps partly due to the close ties and growing tensions between the Women’s Movement and the Civil Rights Movement. It is undeniable the Women’s Movement and the Civil Rights Movement have their similarities. The women who began the Women’s Movement learned their leadership techniques and skills from their work with the Anti-Slavery Movement. In the 1960’s when Civil Rights became a hot issue and the NAACP and its legal defense fund were formed the Women’s Movement followed suit forming NOW.³⁸

Often the Women’s Movement is compared to the Civil Rights Movement. On the surface this seems like a logical comparison. The Women’s Movement partially modeled itself after the Civil Rights movement because the two were so superficially similar and the Civil Rights Movement was so successful. Women and Blacks are two groups that have been severely discriminated against throughout the history of this country. Both groups have been denied rights to vote, own property and be equal citizens of this country. Many like to believe the Civil Rights Movement paved the way for the Women’s Movement. However, they can be compared only on a superficial basis. The

³⁷ Davis, 136

³⁸ Evans, 25

fact that both groups are fighting for equality is really the only common factor, besides shared supporters.

The Women's Movement has many issues to deal with that the Civil Rights Movement does not. For instance the availability, effectiveness and accessibility of birth control has played an important role in the history of the women's movement. Also, surrounding a woman's reproductive abilities are the issues of abortion and surrogate motherhood. The Women's Movement has difficulty moving forward in areas of reproductive rights because a child's life is also at stake. This is an issue that is very personal for people and becomes a moral and religious issue as well. These issues that are only present in the Women's Movement separate it from the Civil Rights Movement. Also, a women's ability to be a mother complicates the Women's Movement with such issues as maternity leave and childcare. These issues are only getting more complicated with time. It has been difficult in the past for society and the courts to make judgments on reproductive rights, however the longer they take the more difficult it will become to make a judgment. The special nature of women's rights distinguishes the Women's Movement from the Civil Rights Movement and makes it a more complicated fight in this respect.

The tension between these movements, the lack of support of the Women's Movement from the Civil Rights Movement, and the close historical ties between the Movements have caused problems for the Women's Movement and inhibited it to some degree in the fight to achieve their goals. Added to this is the problem non-white women have of fitting into the Women's Movement. Some non-white women feel the current

Women's Movement is ignoring the difficult situation that non-white women live in. This causes further tension between Women's Rights and Civil Rights.

While the First Wave of the Women's Movement was one aware of racial concerns, the Second Wave has been accused of being a white, middle class women's movement. This was a major source of tension between the Women's Movement and the Civil Rights Movement. This tension began to develop after the failure to pass the ERA, it increased over time and still exists today. Many women of color feel that the Women's Movement has not and does not address issues facing them. These women of color have formed many groups to address their specific interests and concerns. These groups have been aggressive in fighting for the needs of women of color, as well as assertively criticizing the mainstream Women's Movement for their lack of interest in racial issues.

To some white women this concern may seem to have no basis, while women of color probably see it as just another example of being ignored by white culture. It is important to understand the history of this problem in the Women's Movement. We must move our focus to the beginning of the Second Wave to start to understand this tension. We must examine two branches of the Women's Movement: the liberal feminists and the women's liberation.

One major difference between these groups is that liberal feminists demanded structure and hierarchy while the women's liberation focused on an equal sharing of power.³⁹ The liberal feminists intended to focus on ethnicity and the particular concerns of women of color. They thought by including women of color in the founding of organizations like the National Women's Political Caucus, they were ensuring this concern for women of color, would continue through out the history of the movement.

³⁹ Davis, 96

But the women of included did not have enough of a voice or presence to have an impact. This was more evident to women of color than white women. White women joined organizations like NWPC and NOW in significantly greater numbers than women of color. Though these groups did have “token” minority members the numbers spoke for themselves. Obviously women of color did not think these groups could meet their needs or address their issues or they may have joined. Women of color formed their own organizations to fight for their rights and address issues specific to them.

Due to the fact that women of different ethnicities had unique issues many splinter groups were formed to reflect the need for specificity. One important group was the black womanists. Womanist was a term coined by Alice Walker, to describe assertive black feminists.⁴⁰ These women were expressing the need of black women to have more freedom, while not deserting the Civil Rights Movement. However, these women also had to struggle to find their place in the Civil Rights Movement because they were overlooked or excluded by Black men.⁴¹ These women felt strong ties to their community and needed to assert their identity as black females. “The Black woman’s reality as a situation of struggle – a struggle to survive in two contradictory worlds simultaneously, one white, privileged, and oppressive, the other black, exploited, and oppressed.”⁴² Black women had different issues to be concerned with than white women. They were not as concerned with employment as white women because they had different types of job concerns. Due to strong religious ties in the black community many of the black womanists were pro-life. These women felt they needed to focus more on reproductive

⁴⁰ Paula Kamen. *Feminist Fatale*. New York: Donald I. Fine, Inc., 1991.⁴²

⁴¹ Ruth Rosen. *The World Split Open*. New York: Viking, 2000 281

⁴² Patricia Hill Collins. *Black Feminist Thought: Knowledge, Consciousness, and the Politics of Empowerment*. Boston: Unwin Hyman, 1990. 22

rights outside of abortion. In response to Black women's dissatisfaction with the mainstream Women's Movement, they formed their own group, in 1973, the National Black Feminist Organization (NBFO).⁴³ This was one of the first groups to splinter off from the mainstream Women's Movement to represent a previously unheard group of women. Another group of women of color that needed a group to represent their unique needs were Hispanic women. The Mexican-American Women's National Association (MANA) was formed in 1974. By the early 1990's MANA had spread to 36 states. A majority of the Hispanic-American population was Catholic. The MANA agenda was pro-life from the beginning because of this strong Catholic influence. Despite this fact many Hispanic-American women were pro-choice and interested in reproductive rights. They were also very concerned with family issues, such as family leave and childcare and education.⁴⁴ Another major group of women of color that needed groups to represent their specific interests were Pan Asian American Women. The Organization of Pan Asian Women was formed in 1976. Pay equity, family issues and nuclear testing were areas of major concern for Pan Asian American Women's groups.⁴⁵ The last major group of women of color that had unique issues was Native American women. These women were least apt to form their own groups than other groups of women of color. One of their major concerns for Native American women was domestic violence, which was very prominent in their community. Native American women were also concerned with general Native American rights.⁴⁶

⁴³ Rosen, 282

⁴⁴ Davis, 369

⁴⁵ Rosen, 290

⁴⁶ Rosen, 291

All these groups of women of color felt the need to form their own groups because the mainstream Women's Movement was not satisfying their needs. While the liberal feminists excluded women of color out of ignorance, the women's liberation excluded women of color deliberately. They made a conscious decision not to invite black women who were involved in the Civil Rights Movement, to their first conference. Whether the exclusion of women of color was deliberate or accidental it was a grievous error it is impossible to generalize when discussing issues about women, the unique problems of women of color must be acknowledged. In not doing so the mainstream Women's Movement excludes many possible supporters. "I think the reason black women have had a hard time identifying with feminism is that a lot of white women who claim to be feminists tend to be racist."⁴⁷ Some women are intentionally racist and some are just ignorant, but either way it is still a major problem.

This problem has gotten a bit better in the past 30 years. "Feminists, like other Americans, took the white middle class heterosexual woman as the female norm, much as men had always taken males as the human norm."⁴⁸ In 1977, at a conference sponsored by the National Women's Year, there were women of many ethnicities present and the agenda they formed included many concerns of women of color. This was a step in the right direction. Today organizations like NOW include issues of women of color in their agendas. However, some women of color activists question whether this is genuine or just for political correctness and appeasement.

Another major factor that promoted and continues to promote the tension between Civil Rights and Women's Rights is the different treatment of these groups by the

⁴⁷ Kamen, 132

⁴⁸ Davis, 359

Supreme Court. “For feminist legal scholars, what made the ERA vital was the stall-out in their campaign to persuade the Supreme Court to apply the same standards in sex discrimination cases that it applied to racial discrimination.”⁴⁹ The Supreme Court’s differentiation of race and gender has divided these two movements further and this forces ethnic women to choose which rights are more important to them.

It is necessary to understand the Supreme Court’s division of race and gender to truly understand the tension between the Women’s Movement and the Civil Rights Movement. There are two forms of due process, substantive due process and procedural due process. Procedural justice is concerned with how a law is carried out and makes sure that citizens are not treated in an arbitrary and capricious manner by government. Substantive due process is an interpretation of subject matter and content of law. Substantive due process allows courts to use their discretion and this is how rights are developed that may not be written into the Constitution.

Until 1937 the Supreme Court focused on economic rights as its main concern with substantive justice. After 1937 the Court became concerned with civil rights and liberties. They developed two classifications for scrutiny of civil rights. What they defined as the “suspect class” or discrete and insular minorities received the highest level of scrutiny. This category only included race. The next category was “intermediate scrutiny” which did not consist of minorities but rather groups that have an important state interest, especially women.

Racial minorities and women have both been subjected to high level of scrutiny in our society. So why should they not both receive the highest level of scrutiny in the Court? Justice Brennan wrote in the opinion for *Frontiero v. Richardson* that strict

⁴⁹ Davis, 401

scrutiny was justified due to our Nation's "long and unfortunate history of sex discrimination." He also noted "sex, like race, is an immutable but highly visible characteristic bearing no relation to ability to contribute to society." While some justices believed women should be included in strict scrutiny, this still has not become a reality. The case of *MVW v. Hogan* and *U.S v. VA* created a new level of scrutiny for women that called for "exceedingly persuasive justification" in cases regarding gender; however, gender still was not moved to the level of strict scrutiny with race. Strict scrutiny is meant to safeguard the interests of minorities in the court system. Although, as a percentage of the population women are not a minority they are still seriously discriminated against and need protection. The Court needs to recognize that discrimination against women is still a serious problem and gender should be placed in the highest level of scrutiny.

The Supreme Court is the institution citizens turn to when they wish to fight injustice in life and in our laws. It is unfair for the Court to decide one minority group deserves more protection than another group. Because the Court does not believe that gender deserves the same level of scrutiny as race, it is legitimizing the inequality of women. This further aggravates the tension between class and race in this country. Some feminists feel that racial discrimination is consider a more important problem than gender discrimination. This follows a pattern that began with black men getting the vote before women. This leads some feminists to resent women of color, because they are getting more protection.

The relationship between the Civil Rights Movement and the Women's Movement is tense. Ethnic women feel excluded by the goals of the mainstream Women's Movement. White women feel that ethnic women are better protected because

of their race. While it would seem logical for historic bonds to bring these groups together current issues and specific interests are driving them apart. This fighting will not help to accomplish any goals, in fact it is a deterrent to progress for both movements.

Chapter 3: The Gay Rights Movement and the Women's Movement

We have just discussed the relationship between the Civil Rights Movement and the Women's Movement. Now we will focus on the Women's Movement and the Gay Rights Movement. Unlike with the Civil Rights Movement, there are no founding ties between the Women's Movement and the Gay Rights Movement. The Gay Rights Movement began as its own entity and the majority of women supporting it were lesbians and gays who had a vested interest in the fight for Gay Rights.

Prior to World War II the Gay Rights Movement barely existed and gays and lesbians were closeted with no hope of coming out. Allan Berube believes that World War II opened the closet door a bit. Homosexuality became more talked about and gay and lesbian communities began to form. Gay and lesbian bars began to open and large communities moved to major cities, so the members of the community could live their lives out of the closet. In 1945, the Veterans Benevolent Association(VBA) was established.⁵⁰ This group supported gay servicemen as well as black servicemen. The VBA found an ally in the NAACP because of their fight for mistreated black servicemen. This was one of the first groups that tried to protect the rights of gays. The Mattachine Society was formed in 1951 and was an organization focused specifically on gays and lesbians. The Daughters of Bilitis(DOB) was formed in 1955 and was designed to protect lesbians.⁵¹ These groups gained a huge following and had chapters in numerous cities. The membership of these groups continued to grow over the next several years, focusing their agenda on police brutality against gays and lesbians.

⁵⁰Urvashi Vaid. *Virtual Equality: The Mainstreaming of Gay and Lesbian Liberation*. New York: Anchor Books, 1995. 48

⁵¹ Vaid 50

A major source of this police brutality occurred when the police raided gay and lesbian bars and clubs, which happened frequently. Gay and lesbian groups protested these raids and this violence. The Stonewall Riots were pivotal in this fight against police brutality. On June 28, 1969, the police went to the Stonewall Inn in New York's Greenwich Village and treated the gays and lesbians there as they usually did. However, this time the gays and lesbians retaliated against the police brutality. Perhaps this was the breaking point because the Gay Rights Movement organized around the Stonewall Riots.⁵² These riots were symbolic of the discrimination that gay men and women had to face in their every day lives and the importance of fighting against this discrimination. It gave gays and lesbians a common incident to rally behind and the Gay Rights Movement began to grow into an important and powerful social movement.

The Gay Rights Movement was forming just as the Second Wave of the Women's Movement was beginning. About the only connection between the two movements were lesbians who were fighting for their rights as women and their rights as lesbians. These women that supported the cause of both movements provided an unbreakable link between the two movements. NOW was founded four years before Stonewall and by this point radical feminism was beginning to take hold 1968. "Lesbianism, within, feminism, has been perceived more as anti-male than pro-female. From its inception, NOW's slogan has been 'Full equality for women in truly equal partnerships with men.'"⁵³ Just looking at NOW's slogan shows the covert exclusion of lesbians. Though some claimed they the "equal partnership" they referred to were the relationships of work not just of love, this did not seem to ring true. NOW did not welcome lesbians with open arms, though they

⁵² Vaid, 55

⁵³ Ruth Simpson. From the Closet to the Courts: The Lesbian Transition. New York: Viking Press, 1976. 45

did not openly exclude them. However, many lesbians did not feel comfortable or accepted in the Women's Movement from the beginning. This phenomenon is related to the types of feminists in the Women's Movement at this time.

Feminist of the 19th century and early 20th century can be classified as cultural feminists. These women emphasized the differences between men and women. They were fighting for the increased freedom of women and the increased protection of women. Cultural feminists believed that women were different from men and therefore they needed special protection under the law. With the Second Wave of feminism another breed of feminism was born, the liberal feminists. Liberal feminists were very traditional in their beliefs and their methods. These women attempted to work with men as best as possible. They tried to make male allies and they emphasized the similarities between men and women.⁵⁴ Liberal feminists were fighting for everyone to be equal, not for women to be above men or for women to receive special treatment. They emphasized how far women had come and they celebrated the concept of being female. They were more accepted by the general population because they were generally unobtrusive and more cooperative.

In contrast radical feminists were extreme and generally obtrusive. Radical feminists did not work with the system, in fact they fought the system. They did not try to cooperate with men because they were opposed to the male dominated society. These women were fighting against the patriarchal values that, they believed, effected every aspect of society. For this reason, radical feminists have been classified as "man haters." While most radical feminists did not hate men, they did hate the patriarchy that these men stood for and participated in consciously or unconsciously. Radical feminists were

⁵⁴ Becker, 17.

generally very aggressive and visible. Many people were disturbed by this obtrusive type of politics and began to think negatively of these feminists. These women highlighted the differences between men and women, and created conflict between the sexes. The nature of their fight was against patriarchy and this often threatened men and made them defensive. Many radical feminists also happened to be lesbians. Many of these lesbian radical feminists loudly claimed that heterosexism was a large part of their oppression.⁵⁵ Due to the fact that these radical feminists were the most visible in the movement at many points, and due to the fact that many of them were lesbians, a stereotype developed of the man-hating, lesbian, femi-nazi.⁵⁶ “The emphasis on sexual orientation scared away some women fearful of unfamiliar and unconventional relationships, as well as alien alternative culture.”⁵⁷ This was not only a problem for people outside the movement. Inside the movement, supporters were disturbed by this influx of aggressive lesbians. Many supporters distanced themselves from the Women’s Movement because of their prejudice or fear of different lifestyles.

Despite the prejudice within the movement lesbians began to come out of the closet in the early and mid-1970s. These lesbians wanted the discrimination they faced because of their sexual preference, acknowledged and fought against by the Women’s Movement. Major leaders in the movement at this time, such as Betty Friedan did not want to support lesbian rights or even acknowledge lesbians in the movement. These lesbians were labeled a “lavender menace.”⁵⁸ They were considered a detriment to the movement and were excluded, instead of included and helped. These feelings enraged

⁵⁵ Becker, 19

⁵⁶ Rosen 166

⁵⁷ Rosen, 174

⁵⁸ Davis 263

and excluded lesbians, many of whom left the movement. These lesbians did not disappear when they left the movement, many of them became more active and more visible. They rallied behind the label of “lavender menace” and attempted to make unbreakable and impossible to ignore, the link between the fight for lesbian rights and the fight for women’s rights. One of their major concerns was gaining the support of straight women, especially those women involved in the Women’s Movement.⁵⁹

Many people outside the Women’s Movement, had negative feelings about the Movement because of this image of feminists as extreme, aggressive, lesbians. “People naturally associate lesbians with feminism because historically lesbians have taken vital leadership roles in the women’s movement and other struggles for peace and justice.”⁶⁰ This view made the fight for women’s rights even more difficult because many people were against the movement without knowing much about it. This also made it difficult for the Women’s Movement to gain new support or to retain old support. Many women who agreed with some of the goals of the Women’s Movement did not want to be classified as lesbians, so they would not show support for the Women’s Movement. Also, some women did not agree with homosexuality and so they did not offer their support.⁶¹

This created some animosity within the Women’s Movement. Many straight women resented the radical lesbians for the loss of support and negative reputation. This was connected with the problem of heterosexism in the Women’s Movement. Many of the straight women in the Women’s Movement were against homosexuality for moral or religious reasons and therefore rejected these lesbians. Straight women wanted lesbians

⁵⁹ Davis 265

⁶⁰ Kamen, 60

⁶¹ Davis, 62

involved in the Women's Movement to stay in the closet.⁶² It was the "don't ask, don't tell" policy for the Women's Movement. This tension between lesbians and straight women in the movement still exists today.

Some feminists claimed and still claim that the lesbian presence in the Women's Movement is keeping the movement from advancing. While this claim may have some validity because of all the homophobia and anti-gay attitudes of people within and outside the movement, it is not the main deterrent to progress. The tension between gay and straight women in the movement, makes focusing on important issues more difficult and this is a much bigger obstacle to overcome. Both straight and gay women are responsible for the perceived stagnation of the Women's Movement.

Some feminists think the only answer is for everyone to adopt a more moderate and less aggressive viewpoint. If part of the problem with progress is the stereotypes surrounding the Women's Movement, then getting rid of radical feminists would get rid of the stereotypes. If every woman adopted a more passive and moderate stance, the movement would have a more acceptable image. It is natural for the most extreme members of a group to get the most attention. In this case the radical feminists were attracting negative attention. If there were no extremists to attract negative attention, the Women's Movement would have an easier time accomplishing its goals. Other feminists argue that nothing would be accomplished without these aggressive, action oriented feminists. While the group may have a more acceptable image, most of its members should not be aggressive enough to take charge and make progress.

The Women's Movement has made some progress in including lesbians in the movement. In 1971 NOW acknowledged their mistake. "By voting overwhelmingly in

⁶² Simpson, 44

favor of a strong pro-lesbian resolution it admitted that NOW had been 'evasive and apologetic' about the lesbians in its midst."⁶³ From this point on NOW put lesbian rights on their agenda and has slowly continued to become more inclusive. "Many lesbians have responded by becoming more, rather than less, visible and vocal, demanding recognition of the problems with heterosexuality."⁶⁴ Lesbians in the Women's Movement remain aggressive in ensuring that lesbian rights stay on the agenda of the Women's Movement and are taken seriously.

This is not the only conflict between Gay Rights and Women's Rights. As with ethnic women, lesbians have specific interests that are not represented adequately by the Women's Movement. One of these issues is the fight for the federal legalization of same-sex marriage. Because same-sex marriage is not legally recognized, the behavior of lesbians and gays is restricted in many ways. Heterosexual women take many of these rights for granted because they have always had them.

Legalization of same-sex marriage is a major issue because of all the rights that are attached to it. If a lesbian's partner's child is in the hospital, she cannot visit the child alone, because the hospitals only allow family to visit. If a lesbian's partner dies and she does not have a valid will, then her partner cannot inherit. However, in this case, with heterosexual couples, the spouse would automatically inherit in the case of no will.

Lesbian couples cannot obtain joint health, home and auto insurance policies or enter joint rental agreements. A lesbian cannot make medical decisions on her partner's behalf in the event of illness because she is not considered family. The fact that same-sex marriage is not recognized legally makes it difficult to take bereavement or sick leave to

⁶³ Davis, 268

⁶⁴ Becker, 19

care for a partner or partner's child. Taking this leave comes more easily to heterosexual partners. Also, she cannot choose a final resting-place for her deceased partner or obtain wrongful death benefits for a surviving partner and children. Because same-sex marriage is not recognized as a legal contract, homosexual partners cannot get an equitable division of property in a divorce. This also affects their ability to have a family. Lesbian couples are prohibited from having joint child custody and support in a divorce.

Furthermore, lesbian couples cannot have a spouse covered under Social Security and Medicare. They also cannot file joint tax returns. If one partner in a same-sex marriage is a veteran, the other partner cannot obtain veterans' discounts on medical care, education and home loans. Lesbian partners cannot apply for immigration and residency for their partners from other countries. Also, lesbian couples cannot obtain domestic violence protective orders. All these rights are denied to lesbian couples because same-sex marriage is not a legally recognized contract.⁶⁵ It is clear from all these rights that are denied to same-sex couples, that they simply cannot live the happy life that straight couples are able to live. This is not saying that same-sex couples cannot be happy they just have so much more standing in their way.

The Women's Movement has made progress in the areas of domestic violence and divorce law, but lesbian couples do not benefit from this because they do not have legally recognized unions. A lesbian in a relationship does not have the protection against domestic violence she should have, although straight women are afforded this protection. These are rights heterosexual couples already enjoy, so they are not crucial for heterosexual women to fight for. Some heterosexual women are not very invested in the

⁶⁵ "Gay Marriage: Should Lesbians and Gay Couples be allowed to Marry?" (ACLU, June 1998, <http://www.aclu.org/library/aagaymarriage.html>)

fight for rights for same-sex couples. Other heterosexual women object to homosexuality or the legalization of same sex marriage. For these reasons, the fight for same-sex marriage does not make it to the top of the agenda of mainstream women's groups, if it makes it on the agenda at all.

Therefore, it makes sense that lesbians would feel resentment toward mainstream women's groups, because these groups are not sufficiently supporting them. They are more likely to just be involved in a gay rights group because their needs will be better satisfied. Many lesbians have attacked the mainstream Women's Movement for not including them or actively excluding them. This has created a great deal of tension in the Women's Movement.

Another issue that is important to lesbians is hate crime legislation. Hate crimes are crimes that are motivated by hate for victims' gender, race, religion, sexual preference, or beliefs. The Hate Crime Sentencing Enhancement Act of 1994 defines a hate crime as: "a crime in which the defendant intentionally selects a victim, or in the case of property crime, the property that is the object of the crime, because of the actual or perceived race, color, religion, national origin, ethnicity, gender, disability or sexual orientation of any person." Bias against homosexuals is the second highest motivating factor for hate crimes. Hate crimes against homosexuals tend to be more violent than hate crimes against other minorities or religions. There does not seem to be any one place individuals can be safe from hate crimes, or any one group of individuals who is completely safe from victimization. The issue of hate crimes is a very personal and sensitive issue. The potential trauma involved with experiencing a hate crime and the potential of not surviving a hate crime makes it a fear for many people. Although the

effect of hate crimes on an individual is extremely profound, it is also important to examine the effect of hate crimes on society. "While each incident [of violence] represents a personal tragedy for the victim, hate crimes are an attempt to intimidate a larger group or class of people."⁶⁶

Hate crimes are meant to express the perpetrator's hate for a group of people. Each individual hate crime is a small manifestation of the hate felt for a whole group of people. An example of a hate crime that had a profound effect on the gay and lesbian community was the murder of Matthew Shepard a 21-year-old gay male who was murdered on October 12, 1998. He was followed out of a bar by two men and they attacked him because he was gay. The men beat him badly, tied him to a fence and left him to die. He in fact died five days later. This horrible tragedy made major news and drew attention to the serious problem of hate crimes. Hate crimes and protection from them, is an extremely important issue to lesbians because they are constantly living in serious danger. Once again many straight women are less invested in the fight for protection against hate crimes, so it is not one of their priorities. This forces lesbians to look outside the Women's Movement to get the support and understanding they need.

The Women's Movement and the Gay Rights Movement have also been in conflict over the ERA. By the mid-1970's to the early 1980's lesbians began to fight for protection from discrimination based on sexual preference to be added to the ERA. A familiar argument was offered against adding this to the ERA. That this would cause the ERA to lose ground because it was in a very fragile position. "Some were concerned about a resolution backing lesbian rights because they were afraid the ERA and lesbian

⁶⁶ Elena Grigera. "Hate Crimes: State and Federal responses to bias-motivated violence." *Corrections Today*: August 1999; v61 i5 p68.

rights would be connected.”⁶⁷ This was linked to the stereotype that lesbian and feminist were synonymous. This was due partly to homophobia and partly to the fear of homophobia killing the ERA. We already discussed the enormous problems with making the ERA an actuality. Lesbians were willing to fight for the ERA, but desperately wanted to be included. It is hard to understand or accept an argument that claims the protection of some groups is worth the cost of the protection of another group. This fight over the ERA is another example of the continued overt and subtle discrimination against lesbians by members of the Women’s Rights Movement. It is not difficult to see why lesbians have splintered off from the mainstream movement, they are simply not being included or protected.

These are issues that effect the lesbian population more than straight women. However, there are other issues that lesbians place more emphasis on, that affect all women. The fight for AIDS awareness and research is more supported more by lesbian and gay rights groups, than by women’s groups. Perhaps this is because of the myth that homosexuals are more at risk than heterosexuals; this really is not true. AIDS is an issue that affects everyone. Some lesbians are not satisfied with the lack of support of this issue by the mainstream women’s groups. AIDS became a major concern in the 1980’s. There was not much of a focus by the straight public or the government until around 1985. “The advent of AIDS increased the backlash against all gay people. Some conservatives almost welcomed the disease. . . Jerry Falwell announced that it was God’s punishment for homosexuals.”⁶⁸ From the beginning gays and lesbians were already fighting an uphill battle, not only with the disease, but with the homophobic public. By the time the general

⁶⁷ Davis, 400

⁶⁸ Davis, 273

public became aware of the AIDS problem many gay men had already died of AIDS and there was a great awareness about this disease in the gay and lesbian community. At this point AIDS was considered a “gay” disease, mostly because so many gay men had died of it. Also, because the gay community has been isolated and became close, many gays and lesbians knew someone who has died of AIDS or they had AIDS themselves. This has obviously been a major issue in the gay and lesbian community for much longer than the straight community has been concerned.⁶⁹ Some women in the Women’s Movement were hesitant or even resistant to putting this “gay” issue on their agenda. However, as AIDS has started to affect more and more straight people, it has started to become a concern of the Women’s Movement.

One more recent issue that is a problem in the Gay Rights Movement that is causing conflict between the two movements is the issue of transgendered and transsexual people. Transgendered and transsexual people have been forced to splinter off from the Gay Rights Movement because they are generally unwelcome. This phenomenon is similar to the exclusion of lesbians from the Women’s Movement and the same rationale is being used to exclude them. In the 1970s straight women claimed the movement was too weak to include a radical issue like lesbianism to its platform. These women feared not being able to accomplish anything and actually losing ground and support if lesbian rights were added to the agenda. Similarly, many lesbians and gays feel the Gay Rights Movement is already fragile and adding transgendered/ transvestite concerns would keep them from making progress or even set them back. Most supporters of the Women’s Movement do not want to even discuss supporting transgendered/transvestite rights; this is seen as absolutely too radical. Transgendered

⁶⁹ Davis, 273

people have even less protection than gays and lesbians. While there are some laws prohibiting discrimination on the basis of sexual preference there are no laws that protect on the basis of gender identity. Transgendered people are either men who believe they are actually women or women who believe they are actually men. Transgendered people often live their lives as their preferred or believed gender. Transvestites are transgendered people who have acted on their belief or preference and had surgery. Transgendered people and transvestites are discriminated against every minute of every day. This discrimination does not just come from the straight community, but the gay and lesbian community as well. Transgendered people and transvestites are demanding to be included in the agenda of the Gay Rights Movement. They especially want to be included in any fight that would increase protection for them. However, the Gay Rights Movement has been resistant to their fight.⁷⁰ Transgendered people and transvestites have already started to form their own groups like National Transgender Advocacy Coalition (NTAC). Following the pattern of social movements it seems that this group will splinter off from the Gay Rights Movement and perhaps be the next big social movement.

Another group of people that are discriminated against even within the Gay Rights Movement are bisexual people. Many members of the Gay community discredit bisexuality and want bisexuals to “pick a side.” “Lesbian feminists assert that bisexual women in relationships with lesbians should call themselves lesbian.”⁷¹ Some gays and lesbians believe that bisexuals are detracting from the Gay Rights Movement by not identifying and making homosexuality seem more choice oriented. Bisexuals are often attacked for benefiting from the Gay Rights movement without having to put themselves

⁷⁰ <http://www.ntac.org/activism/inf.html>

⁷¹ Brett Beemyn and Mickey Eliason. eds. Queer Studies: A Lesbian, Gay, Bisexual, and Transgender Anthology. New York: New York UP, 1996.209

on the line. Many members of the gay and lesbian community do not consider bisexuals as a true part of their community because they are only “half-gay.” Not only are they not truly accepted inside the gay and lesbian community but they also are discredited outside of the gay community. People outside this community also show little respect for bisexuals and do not group them with gays and lesbians. Bisexuals have yet to form any group specifically to protect themselves. They are technically protected by any law that prohibits discrimination on the basis of sexual preference, so they do not have any major battles to fight. However, if they continue to be excluded and not taken seriously, perhaps they will form their own group.

Black lesbians, arguably, are in the worst position of any group because they are subjected to a triple dose of discrimination. Also, gays and lesbians are not very accepted in the Civil Rights Movement and black lesbians are on the periphery of the Gay Rights Movement, so there is no place for them in either of these movements. “Homophobia does exist to an extreme extent in the black community, even in the liberal organizations, it’s hard to come out, because once you do, you’re very ostracized.”⁷² Black communities are perhaps, some of the most homophobic of any community. Coming out in a black community can be the equivalent to giving up the community and isolating oneself. This is problem for black lesbians, because if they come out they are banishing themselves from their lifestyle and their people. Black women once consider homosexuality to only be an issue in the white women’s community. However, now it is a problem that black women must deal with.⁷³ As more black lesbians come out black feminists are forced to acknowledge them and determine how to deal with them. By supporting black lesbians,

⁷² Kamen, 256

⁷³ Margaret L. Andersen and Patricia Hill Collins. Race, Class and Gender: An Anthology. Belmont: Wadsworth Publishing Co., 1998.193

black women run the risk of being ostracized by their black communities as well. Black lesbians, by necessity, have splintered off from the Black Women's Movement and founded the Combahee River Collective in 1974.⁷⁴ This break was necessary because they are certainly not being represented by the Civil Rights Movement and are not being adequately represented by the Black Women's Movement.

Black lesbians are discriminated against in three different spheres: gender, race and sexual orientation. This is true of any ethnic lesbians, for example Asian lesbians. This is another group that has splintered off from mainstream movements. These women are part of the Association of Lesbians and Gay Asians(ALGA). "That the topic of homosexuality in Asian American studies is often treated in whispers, if mentioned at all, should be an indication of trouble."⁷⁵ The Asian Community is not an open community and sex and sexual preference are rarely talked about. Coming out in the Asian community seems unthinkable. It was necessary for Asian lesbians to form their own group so they could have community in which they could be out and fight discrimination.

This problem with lesbians feeling excluded by the Women's Movement is similar to ethnic women's feeling of exclusion. Lesbians and ethnic women view the mainstream Women's Movement as a white, heterosexual, woman's movement. By continually underemphasizing the issues important to these groups the mainstream movement is perpetuating this stereotype and bringing truth to it. If the mainstream movement does not become more inclusive it will continue to be unsupported and objected to by lesbians and ethnic women. "In the sense of women supporting women in both the personal and political goals of freedom, there could and certainly should be a

⁷⁴ Rosen, 283

⁷⁵ Andersen, 485

connection between feminism and lesbianism.”⁷⁶ This tension over these issues must be resolved if any progress is to be made.

This tension indicates that women perpetuate their own domination through domination of each other. When some women are valued above other women, it creates competition. Women begin to demean and disrespect other women to raise their own status. By creating these standards women perpetuate their own subjugation by dominating each other.⁷⁷ There are many people today that are arguing for equality. Some argue that our society should be color-blind and Blacks, Hispanics, Asians, etc. should have the same opportunities as whites. Some argue that women should be treated as equals to men. Some argue that we should give poor people more privilege, to mirror the privilege of the rich. These advocates are each focusing on a subset of equality. There is a problem with this logic, they are arguing a futile point because for any one of these groups to ever be truly equal and achieve their goals, all the groups must succeed. If one class, race or gender is dominated no group will ever truly be equal. For example, imagine women succeed in getting laws passed to be treated equal to men. This will not make them truly equal because they will be dominated or dominating people of another class, race or sexuality. If you are dominating members (the women) of your own race or class it is easier for you to dominate another whole race or class. If domination is something you are socialized to accept, then is nothing to stop you from dominating others. Therefore, until women of every race and sexuality achieve equality, none will truly be equal.

⁷⁶ Simpson, 50

⁷⁷ Gerda Lerner. The Creation of Patriarchy. New York: Oxford University Press, 1986.229

The mainstream Women's Movement needs to take these issues into consideration and redesign its image and structure. "As noted, the homosexual community is composed of members of all minority and majority groups; so is the women's movement, with the exception of men."⁷⁸ Until the Women's Movement is inclusive of all women and addresses the issues of all women, no progress will be made.

This is not just an internal issue, external sources like society and the government, are also at fault. Subsets of society are perpetuating the discrimination against all of these groups. There would be no need for any of these movements if everyone were truly considered equal despite their race, religion, class, sexual orientation, gender, or gender identity. However, discrimination has persisted for many years and is likely to be around for many more. Although it is unlikely for society to change the government can have an impact on this discrimination. Law-makers need to recognize the seriousness of all discrimination and take action to stop it. Also courts, especially the Supreme Court, must base their decisions on the principle of equality that the Constitution represents. Earlier the difference in protection of race and gender was discussed, at least these groups are some what protected by the Court. Discrimination based on sexual orientation is rarely protected by the Supreme Court. In cases like *Bowers v. Hardwick* (1986) the Court did not protect homosexuals from discrimination and decided that Georgia's anti-sodomy law was in fact legal. When the Court makes decisions like this one it is sending the message that discriminating against homosexuals is not only acceptable, but it is legal. How can we ever expect society to change if the government is upholding these principles of inequality and discrimination.

⁷⁸ Simpson, 165

The Gay Rights Movement is not all-inclusive and it may be necessary for ethnic lesbians to form their own groups. However, this movement and other movements are not solely to blame for the plight of these under-represented groups. It is society as a whole and the government that are the cause of this discrimination and its continuation.

Chapter 4: Conclusion

It is clear from looking at the Women's Movement, the Civil Rights Movement and the Gay Rights Movement that there are many overlaps between these movements. It is difficult to get people involved in a social movement. It is even more difficult when there is a competing movement that represents different interests of the same people. Due to ever growing time commitments of people today, it is most likely that they will extend their support to the movement that they feel best represents their interests. Black lesbians for instance, can be represented by the Civil Rights Movement, Gay Rights Movement or the Women's Rights Movement. Black lesbians will most likely pick the one movement they think is best able to represent their interests. Therefore, these three movements are competing against each other to gain supporters. Part of the reason a person would identify with one of these movements is based on the agenda of the movement. A person would support a movement if she believed issues pertinent to her life were represented by the agenda. However, some of this decision is not influenced by the movement or its agenda, rather it is based on the persons identity. Taking again the example of a Black lesbian, her choice of which movement to support will be based on what part of her identity is most important or pertinent for her. If being a lesbian is most important she will probably support the Gay Rights Movement and so on. A movement's survival is based on its ability to gain and maintain a base of support. So movements that have overlapping supporters like the Women's Movement, Civil Rights Movement and Gay Rights Movement, have to compete for support. This most certainly plays a role in agenda setting and identity forming of each particular movement.

In some cases none of these three movements will win the possible support. Some individuals or groups of individuals feel that none of these movements represent their needs and they have formed their own splinter groups. Each of these splinter groups has different ways to deal with major issues about work, family, abortion, reproduction and other topics. Before we discuss this we will identify groups that overlap two or more of the following three movements: Civil Rights Movement, Women's Movement and Gay Rights movement. There are three major groups of overlap supporters. Two of these groups overlap only two movements: straight Black women and White lesbians. One overlap group has interests in all three movements: Black, Hispanic, and Native American lesbians. There is a fourth group to be considered although it is not an overlap group: straight white women. We will consider the positions of these four groups on the four issues previously mentioned.

Work related issues are pertinent in different ways to each of these four groups. It is important to identify how it affects each of the four groups differently. It has been a problem in the past that the straight, white, middle-class women's viewpoint has dictated the main-stream Women's Movement's agenda. "Many low-income women, especially women of color, noted bitterly that white feminists had only discovered the poverty issue after it began to affect white middle class women."⁷⁹ Many of these straight, white, middle-class women did not consider poverty or racial and sexual orientation discrimination when defining the issues facing a working woman. These women were and are concerned with issues like pay equity and maternity leave. These women do not realize the difficulties ethnic, lower income women face. It is difficult to get a decent job or a job at all. These ethnic women are concerned with finding and keeping a job, not pay

⁷⁹ Davis, 332

equity. “While many white middle class women were hungry for a career and focused mainly on employment issues, the reality for most working-class black women was that a poorly paid, dead-end job neither liberated them nor gave them financial independence.”⁸⁰ White women are also focused on moving up the ladder and these higher positions being open to them. These lower-class ethnic women do not have the ability to advance because they have jobs and not careers. Straight White women only consider discrimination in the work place in terms of gender. However, ethnic women and lesbians experience discrimination on the basis of race, sexual orientation and gender. This makes finding and keeping a job or advancing in a career that much more difficult.

These groups also have different perspectives on abortion. As previously mentioned many ethnic women are religious and this influences their views on abortion. Spanish women who are often Catholic are generally pro-life. However, the ability to have access to an abortion is very important in the black and white communities where it is a more acceptable solution. Similarly, birth control can be viewed differently by groups because of their religious beliefs. Once again the Hispanic women are not as concerned about birth control because of their religion does not approve of birth-control. However, birth control is extremely important in the black communities. “There is an ample body of evidence that suggests the importance of birth control use among blacks. Economic themes emerged in the birth control discourse as it related to the issue of black family survival. Contraceptive use was one of a few economic strategies available to blacks.”⁸¹

⁸⁰ Davis, 365

⁸¹ DuBois, 335

Birth Control is important to black women as well as white women who want it to be available for them. This is an important issue on the agenda of both of these groups.

Adoption and marriage are important issues for lesbians because they are fighting for the rights to do both of these things. As previously mentioned lesbians do not have the right to same-sex marriage and it is difficult for same-sex couples to adopt. This is not a concern for straight women, so it is more a priority to lesbians. Straight women who are able to marry legally are more concerned with divorce law. However, this concern varies once again due to ethnicity and class. "Divorce had always impoverished women, but as long as they were from blue-collar backgrounds or were women of color, no one paid much attention. Once white middle class mothers began applying for welfare, people took note."⁸² The accessibility of divorce and the protection of women in the divorce process has been an important issue for straight women of all ethnicities. However, it must be acknowledged that the religious views of Hispanic women also frame the issue and acceptance of divorce.

This is a very brief overview and the purpose is to acknowledge all the various and sometimes conflicting interests of different groups of women. Many generalizations were made, for example, not all Hispanic women, lesbians or any other group of women all feel the same way. It is important to recognize that there are so many different issues that affect different types of women and all of these women have different priorities. One issue that supersedes categories and effects all groups of women is class.

"Unacknowledged class differences rob women of each others' energy and creative insight."⁸³ It must be consider when looking at any issue that class adds another

⁸² Davis, 294

⁸³ Anderson, 189

dimension to any situation. In every sub-group of women there are more sub-groups according to class. For example, the issue of birth control varies based on ethnicity and within an ethnic group based on class. This further complicates the situation and creates even more subsets of agendas and priorities.

So what is to become of the Third Wave of the Women's Movement, our Women's Movement? The authors of Manifesta suggest creating an all-inclusive agenda for the Women's Movement to unite the splinter groups into one strong, determined movement.⁸⁴ The ideal situation would be for these splinter groups to support each others concerns and band together to battle the discrimination they face. It seems that because there is so much overlap that these groups could work together. This would be the only way there could ever be one Women's Movement again. However, this seems highly unlikely, as seen before these groups have competing interests and contradictory viewpoints. Also, society treats each of these groups differently and they are discriminated against or protected on different levels by the Court and the law. It is most likely that these splinter groups will individually continue to gain support and grow stronger and larger. The mainstream Women's Movement may become the straight white women's splinter group.

Looking at the Women's Movement specifically and at the relationship between the Women's Movement, the Civil Rights Movement and the Gay Rights Movement illuminates many aspects of social movements. There seems to be a pattern of competition, exclusion and formation of splinter groups in the history of these social movements and their relationships to each other. This pattern began with the conflict over

⁸⁴Jennifer Baumgardner and Amy Richards. Manifesta: Young Women, Feminism and the Future. New York: Farrar, Straus and Giroux, 2000.278

women's rights in the Anti-Slavery movement. There were competing agenda's of freedmen's rights and women's rights, women fighting for their rights were excluded from the abolition movement. These women persisted and formed their own group that became the suffrage movement. This same phenomenon occurred when the Women's Movement in the early 1970's did want to include lesbian rights in their agenda. Lesbians were excluded to some degree and they broke off and formed their own groups. Similarly Black women have splintered off from the Women's Movement because of perceived exclusion and lack of representation on the agenda. The newest example of this pattern is the current break that is occurring in the Gay Rights Movement. Transgender, transsexual and bisexual people are feeling excluded and breaking off into their own splinter groups. It seems part of the nature of social movements to breed disagreement and exclusion that lead to the birth of a new movement. Perhaps then disagreement in social movements and the formation of splinter groups are positive phenomenon. This may be the only way ideology will be questioned or social change will be achieved. Hopefully there will come a day when true and total equality is achieved, but until that day we should encourage controversy and place our hope for equality in the existence, strength and persistence of splinter groups.

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